IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.1124 OF 2003

IN

SUM. SUIT NO. 3260 OF 2001

D.A. Enterprises. .. Plaintiffs

vs.

Etak Corporation Ltd., .. Defendants.

Mr. S.G. Deshpande for plaintiffs.

Mr. P.N. Ganwani i/by Soloman & Co.

for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 5th September, 2005.

P.C.

. The present suit is filed on work contract and according to the plaintiffs the amount is due and payable for work carried out by the contractor. There are payments made from time to time by the defendants to the plaintiffs. In my opinion, suit is not maintainable as summary suit as the suit is on account for work contract for which account will have to be taken between the parties. Summons for judgment dismissed. Unconditional leave to defend granted.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.